

TITLE XI — GENERAL PROVISIONS, DEFINITIONS, AND
ACCOUNTABILITY

Title XI of the bill would amend Title XIV of the ESEA containing general provisions relating to that Act.

Section 1101. Definitions. Section 1101 of the bill would amend various provisions of Part A of Title XIV of the ESEA to: (1) amend the definition of the term "covered program;" (2) add a new definition for the term "family literacy services;" and (3) make a number of cross-reference changes from provisions and parts in Title XIV of the ESEA to provisions and parts in Title XI of the ESEA to reflect the redesignation of Title XIV as Title XI by section 1109 of the bill. As amended, covered programs would be: Part A of Title I; Part C of Title I; Part A of Title II; Subpart 1 of Part D of Title III; Part A of Title IV (other than section 4115), the Comprehensive School Reform Demonstration Program, and Title VI of the ESEA. The term "family literacy services" would mean services provided to eligible participants on a voluntary basis that are of sufficient intensity, both in hours and duration, to make sustainable changes in a family, and that integrate interactive literacy activities between parents and their children, training for parents on how to be the primary teachers for their children and full partners in the education of their children, parent literacy training leading to self-sufficiency, and an age-appropriate education to prepare children for success in school and life experiences.

Section 1102. Administrative Funds. Section 1102 of the bill would amend various provisions of Part B of Title XIV of the ESEA to: (1) revise the list of programs that are subject to the authority to consolidate State administrative funds; (2) expand the list of additional uses for consolidated administrative funds; (3) clarify that local consolidated administrative funds may be used at the school district and school level; and (4) clarify the circumstances under which an LEA may transfer a portion of its funds under one covered program to another covered program.

Paragraph (1)(A) of section 1102 of the bill would revise the list of programs in section 14201(a)(2) of the ESEA whose administrative funds may be consolidated to

include programs under Title I, Part A of Title II, Subpart 1 of Part D of Title III, and Part A of Title IV (other than section 4115) of the ESEA, the Comprehensive School Reform Demonstration Program, Title VI of the ESEA (Class Size Reduction), the Carl D. Perkins Vocational and Technical Education Act of 1998, and such other programs as the Secretary may designate.

Paragraph (1)(B) of section 1102 of the bill would amend section 14201(b)(2) of the ESEA to revise the list of additional uses for the consolidated administrative funds to include: (1) State level activities designed to carry out Title XI (the redesignated general provisions title) including Part B (accountability); (2) coordination of included programs with other Federal and non-Federal programs; (3) the establishment and operation of peer-review mechanisms under the ESEA; (4) collaborative activities with other State educational agencies to improve administration under the Act; (5) the dissemination of information regarding model programs and practices; (6) technical assistance under the included programs; (7) training personnel engaged in audit and other monitoring activities; and (8) implementation of the Cooperative Audit Resolution and Oversight Initiative. (Items (1), (4), (7), and (8) provide new authority.)

Paragraph (1)(C) of section 1102 of the bill would eliminate an outdated cross-reference to the Goals 2000 : Educate America Act.

In addition to making conforming changes, section 1102(2) of the bill would make a clarifying change to section 14203 of the ESEA (Consolidation of Funds for Local Administration) to make clear that an LEA may use local consolidated funds at the school district and school levels for uses comparable to those described above for consolidated State administrative funds.

Paragraph (3) of section 1102 of the bill would repeal section 14204 of the ESEA (Administrative Funds Studies). Paragraph (4) of section 1102 of the bill would make conforming amendments.

Paragraph (5) of section 1102 of the bill would make conforming amendments, and would also amend section 14206(a) of the ESEA to authorize an LEA that determines for any fiscal year that funds under one covered program

(other than Part A of Title I) would be more effective in helping all its students achieve the State's challenging standards if used under another covered program, to use such funds (not to exceed five percent of the LEA's total allotment under that program) to carry out programs or activities under the other covered program. The LEA would be required to obtain the approval of its SEA for this use.

Section 1103. Coordination of Programs. Section 1103 of the bill would amend provisions of Part C of Title XIV of the ESEA relating to consolidated State plans and consolidated local plans and add a new section on consolidated State reporting.

Section 1103(1) of the bill would make an editorial change to the heading for the Part. Section 1103(2) of the bill would substantially revise section 14302 of the ESEA (Optional Consolidated State Plans), which provides authority for an SEA to submit a consolidated State plan instead of separate State plans for the programs covered by that section.

Proposed new section 14302(a)(1) of the ESEA would direct the Secretary to establish procedures and criteria under which a State educational agency may submit a consolidated State plan meeting the requirements of proposed new section 14302. An SEA would be authorized to submit a consolidated State plan for any or all of the covered programs in which the State participates and the additional programs described in proposed new section 14302(a)(2) of the ESEA. These additional programs include: (1) the Even Start program under Part B of Title I; (2) the Neglected or Delinquent program under Part D of Title I; (3) programs under Title Part A of Title II of the Carl D. Perkins Vocational and Technical Education Act of 1998; and (4) such other programs as the Secretary may designate.

Proposed new section 14302(a)(3) of the ESEA would provide for the State development and submission of a consolidated State plan. Under proposed new section 14302(a)(3)(A), an SEA desiring to receive a grant under two or more programs to which the section applies would be authorized to submit a consolidated State plan. Under proposed new section 14302(a)(3)(B) of the ESEA, that agency would not be required to submit a separate State plan for the programs included in the consolidated State

plan. Proposed new section 14302(a)(3)(C) of the ESEA would provide that the SEA must comply with all legal requirements applicable to the programs included in the consolidated State plan as if it had submitted separate State plans.

Proposed new section 14302(a)(4) would specify that an SEA desiring to receive funds under a program subject to section 14302 of the ESEA for fiscal year 2001 and the succeeding four fiscal years must submit a new consolidated State plan meeting the requirements of that section.

Proposed new section 14302(b) of the ESEA would provide for the content of a consolidated State plan. Proposed section 14302(b)(1) would direct the Secretary to collaborate with SEAs and other named parties in establishing criteria and procedures. Through this collaborative process, the Secretary would establish for each program the descriptions and information that must be included in the plan. Proposed new section 14302(b)(1) of the ESEA would further direct the Secretary to ensure that a consolidated State plan contains, for each program included in the plan, the descriptions and information needed to ensure proper and effective administration of that program in accordance with its purposes. This provision is designed to strengthen the consolidated plan as an instrument of effective administration of each program included.

Proposed new section 14302(b)(2) of the ESEA would require an SEA to describe in its plan how funds under the included programs will be integrated to best serve the needs of the students and teachers intended to benefit and how such funds will be coordinated with other covered programs not included in the plan and related programs.

Proposed new section 14302(c) of the ESEA would require an SEA to include in its consolidated State plan any information required by the Secretary under proposed new section 11912 of the ESEA regarding performance indicators, benchmarks and targets and any other indicators or measures that the State determines are appropriate for evaluating its performance.

Proposed new section 14302(d) would require an SEA to include in its consolidated State plan a description of the strategies it will use under proposed new sections

11503(a)(4) and (5) (relating to State monitoring and data integrity).

Proposed new section 14302(e) of the ESEA would establish procedures for peer review and Secretarial approval. The Secretary would be required to establish a peer review process to assist in the review of consolidated State plans and provide recommendations for revision. To the extent practicable, the Secretary would be directed by proposed new section 14302(e)(1) to appoint individuals who: (1) are knowledgeable about the programs and target populations; (2) are representative of SEAs, LEAs, and teachers and parents of students served under the programs, and (3) have expertise on educational standards, assessment, and accountability.

Proposed new section 14302(e)(2) of the ESEA would direct the Secretary to approve a plan if it meets the requirements of the section and would authorize the Secretary to accompany such approval with one or more conditions. Under proposed new section 14302(e)(3) of the ESEA, if the Secretary determines that the plan does not meet those requirements, the Secretary would be required to notify the State of that determination and the reasons for it. Proposed new section 14302(e)(4) of the ESEA would require the Secretary, before disapproving a plan, to offer the State an opportunity to revise the plan, provide technical assistance, and provide a hearing.

Proposed new section 14302(f) of the ESEA would provide for revision and amendment of a consolidated State plan.

Section 1103(3) of the bill would amend section 14303(a) of the ESEA to provide for uniform State assurances regarding monitoring and data integrity. Paragraph (3)(B) of section 1103 of the bill would insert a new paragraph (4) in section 14303(a) of the ESEA, requiring the State to assure that it will monitor performance by LEAs to ensure compliance with the requirements of the ESEA and, in so doing, will: (1) maintain proper documentation of monitoring activities; (2) provide technical assistance when appropriate and undertake enforcement activities when needed; and (3) systematically analyze the results of audits and other monitoring activities to identify trends in funding and develop strategies to correct problems.

Paragraph (3)(B) of section 1103 of the bill would further amend section 14303(a) of the ESEA by adding a new paragraph (5) requiring the State to assure that the data the State uses to measure its performance (and that of its LEAs) under the ESEA are complete, reliable, and accurate, or, if not, the State will take such steps as are necessary to make those data complete, reliable and accurate.

Section 1103(4) of the bill would repeal section 14304 of the ESEA (Additional Coordination). Section 1103(5) of the bill would amend section 14305 of the ESEA ("Consolidated Local Plans"). Proposed new sections 14305(a) through (d) of the ESEA would clarify and modify current law. Under proposed section 14305(a), any LEA receiving funds under more than one covered program may submit plans to the SEA under such programs on a consolidated basis. Proposed new section 14305(b) of the ESEA would authorize an SEA that has an approved consolidated State plan to require its LEAs that receive funds under more than one program included in the consolidated State plan to submit consolidated local plans for such programs.

Proposed new section 14305(c) of the ESEA would require an SEA to collaborate with LEAs in the State in establishing criteria and procedures for the submission of the consolidated local plans. For each program under the ESEA that may be included in a local consolidated plan, proposed new section 14305(d) of the ESEA would authorize the Secretary to designate the descriptions and information that must be included in a local consolidated plan to ensure that each program is administered in a proper and effective manner in accordance with its purposes.

Section 1103(6) of the bill would make conforming amendments to section 14306 of the ESEA (General Assurances), and section 1103(7) of the bill would repeal section 14307 of the ESEA (Relationship of State and Local Plans to Plans under the Goals 2000: Educate America Act).

Section 1103(8) of the bill would amend Part C of Title XIV of the ESEA by adding a new section 14307 ("Consolidated Reporting") authorizing the Secretary to establish procedures and criteria under which an SEA must submit a consolidated State annual performance report. Proposed new section 14307 of the ESEA would require that

the report include information about programs included in the report, including the State's performance under those programs, and other matters, as the Secretary determines. Submission of a consolidated performance report would take the place of individual performance reports for the programs subject to it.

Section 1104. Waivers. Section 1104 of the bill would amend section 14401 of the ESEA (Waivers).

Section 1104(1) of the bill would amend section 14401(a) of the ESEA to add the Carl D. Perkins Vocational and Technical Education Act of 1998 and Subtitle B of Title VII of the Stewart B. McKinney Homeless Assistance Act as programs to which section 14401 applies. Section 1104(2) of the bill would amend section 14401(b)(1) of the ESEA to require that an SEA, LEA, or Indian tribe that desires a waiver submit an application to the Secretary containing such information as the Secretary may reasonably require. Each such application would be required to: (1) indicate each Federal program affected and the statutory or regulatory requirements requested to be waived; (2) describe the purpose and expected results of the waiver; (3) describe, for each school year, specific, measurable goals for the SEA and for each LEA, Indian tribe, or school that would be affected; and (4) explain why the waiver would assist in reaching these goals. Section 1104(3) of the bill would make conforming amendments to section 14401(c) of the ESEA, relating to restrictions on the waiver authority, and would add health and safety to the list of requirements that may not be waived. Section 1104(4) of the bill would make conforming changes to section 14401(e)(4) of the ESEA, relating to reports to Congress.

Section 1105. Uniform provisions. Section 1105 of the bill would amend various provisions of Part E of Title XIV of the ESEA relating to uniform provisions concerning maintenance of effort and participation by private school children and teachers.

Section 1105(1) of the bill would amend section 14501(a) of the ESEA, relating to maintenance of effort, to make that section inapplicable to Part C of Title I of that Act.

Section 1105(2) of the bill would also amend section 14503(a)(1) of the ESEA, relating to the provision of equitable services to students in private schools, by adding language to clarify that those services should address the needs of those students.

Section 1105(2) of the bill would amend section 14503(b) to make it apply to programs under: Part C of Title I; Part E of Title I; Subpart 2 of Part A of Title II; Title III, Part A of Title IV-A (other than section 4115), and Part A of Title VII of the ESEA.

Section 1105(2) of the bill would also amend section 14503(c)(1) of the ESEA, with respect to the issues to be covered by consultation between designated public educational agencies and appropriate private school officials. Section 1105(2) of the bill would add two issues to be covered by such consultation: (1) to the extent applicable, the amount of funds received by the agency that are attributable to private school children; and (2) how and when the agency will make decisions about the delivery of services to these children.

Section 1105(2) of the bill would also amend section 14503(c)(2) of the ESEA to clarify the timing of such consultation. Under proposed new section 14503(c)(2) of the ESEA, such consultation would be required to include meetings of agency and private school officials, to occur before the LEA makes any decision that affects the opportunities of eligible private school children or their teachers to participate in programs under the ESEA, and to continue throughout the implementation and assessment of activities under section 14503 of the ESEA.

Paragraphs (3) and (4) of section 1105 of the bill would amend sections 14504 and 14506 of the ESEA to make conforming amendments to cross-references. Paragraph (5) of section 1105 of the bill would repeal sections 14513 and 14514 of the ESEA.

Section 1106. Gun Possession. Section 1106 of the bill would repeal Part F of Title XIV of the ESEA, the "Gun-Free Schools Act". These provisions, in modified form, would be included in proposed new Title IV of the ESEA.

Section 1107. Evaluation and Indicators. Section 1107 of the bill would amend Part G of Title XIV to revise section 14701 of the ESEA (Evaluation) and to add a new section 14702 of the ESEA ("Performance Measures"), authorizing the Secretary to establish performance indicators for each program under the ESEA and Title VII-B of the Stewart B. McKinney Homeless Assistance Act.

Section 1107(1) of the bill would amend the heading of Part G to read: "EVALUATION AND INDICATORS." Section 1107(2) of the bill would add to section 14701(a)(1) of the ESEA new subparagraphs that would authorize the Secretary, with the funds reserved under the section, to: (1) conduct evaluations to carry out the purposes of the Government and Performance Results Act of 1993, and (2) work in partnership with the States to develop information relating to program performance that can be used to help achieve continuous improvement at the State, school district, and school level. Proposed new section 14701(b) of the ESEA would direct the Secretary to use reserved funds to conduct independent studies of programs under the ESEA and the effectiveness of those programs in achieving their purposes, to determine whether the programs are achieving the standards set forth in the subsection. Proposed new section 14701(c) of the ESEA would direct the Secretary to establish an independent panel to review these studies, to advise the Secretary on their progress, and to comment, if it so chooses, on the final report under proposed new section 14701(d).

Proposed new section 14701(d) would direct the Secretary to submit an interim report on the evaluations within three years of enactment of the Educational Excellence for All Children Act of 1999 and a final report within four years to the Committee on Education and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor and Pensions of the Senate. Proposed new section 14701(e) of the ESEA would authorize the Secretary to provide technical assistance to recipients under the ESEA to strengthen the collection and assessment of information relating to program performance and quality assurance at State and local levels. This proposed new subsection would require that the technical assistance be designed to promote the development, use and reporting of data on valid, reliable, timely, and consistent performance indicators, within and across

programs, with the goal of helping recipients make continuous program improvement.

Section 1107(3) would add proposed new section 14702 ("Performance Measures") to the ESEA. Proposed new section 14702(a) of the ESEA would authorize the Secretary to establish performance indicators, benchmarks, and targets for each program under the Act and Subtitle B of Title VII-B of the McKinney Homeless Assistance Act, to assist in measuring program performance. It would further require that the indicators, benchmarks, and targets be consistent with the Government Performance and Results Act of 1993, strategic plans adopted by the Secretary under that Act, and section 11501 of the ESEA.

Proposed new section 14702(b) of the ESEA would direct the Secretary to collaborate with SEAs, LEAs and other recipients under the ESEA in establishing performance indicators, benchmarks, and targets. Proposed new section 14702(c) of the ESEA would authorize the Secretary to require an applicant for funds under the ESEA or the McKinney Act to (1) include in its plan or application information relating to how it will use the indicators, benchmarks and targets to improve its program performance and (2) report data relating to such performance indicators, benchmarks and targets to the Secretary.

Section 1108. Coordinated Services. Section 1108 of the bill would transfer Title XI of the ESEA, relating to coordinated services, to Part I of Title XI and would make conforming and other amendments to Title XI of current law.

Section 1108(b)(1) of the bill would revise section 11903 of the new Part I, as redesignated, (current section 11004 of the ESEA, relating to project development and implementation). Proposed new section 11903(a) would require each eligible entity desiring to use funds under section 11405(b) of the ESEA (for coordinated services) to submit an application to the appropriate SEA. Proposed new section 11903(b) of the ESEA would require an eligible entity that wishes to conduct a coordinated services project to maintain on file: (1) the results of its assessment of economic, social, and health barriers to educational achievement experienced by children and families in the community and of the services available to meet those needs; (2) a description of the entities operating coordinated services projects; (3) a description

of its coordinated services project and other information related to the project; and (4) an annual budget that indicates the sources and amounts of funds under the Act that will be used for the project, consistent with section 11405(b) and the purposes for which the funds will be used.

Proposed new section 11903(b) of the ESEA would also require such an eligible entity to evaluate annually the success of the project; train teachers and appropriate personnel; and ensure that the coordinated services project addresses the health and welfare needs of migratory families. Proposed new section 11903(c) of the ESEA would provide that an SEA need not require eligible entities to submit an application under subsection (a) in order to permit them to carry out coordinated services projects under section 11903 of the ESEA.

Section 1108(b)(2) of the bill would make conforming amendments to section 11904 of the ESEA, as redesignated. Section 1108(b)(3) of the bill would amend section 11905 of the ESEA, as redesignated (current section 11004 of the ESEA), to make clear that the authority under that section is placed in the SEA, rather than the Secretary, and to make other conforming changes.

Section 1109. Redesignations. Section 1109 of the bill would redesignate Title XIV of the ESEA as Title XI of the ESEA and would make conforming amendments to its parts and sections.

Sec. 1110. (ED-Flex Partnerships). Section 1110 of the bill would make minor revisions to the recently enacted Education Flexibility Partnership Act of 1999 (P.L. 106-25) and redesignate it as Part G of Title XI of the revised ESEA.

Paragraphs (1), (2), (3), and (4) of section 1110(a) would make minor changes to the short title, findings, and definitions of the Education Flexibility Partnership Act of 1999 to reflect its incorporation into the ESEA.

Paragraph (5) of section 1110(a) would, in addition to making minor editorial revisions, make State eligibility for ED-Flex status turn, in part, on whether the State has an approved accountability plan under proposed new section 11208 of the ESEA and is making satisfactory progress, as determined by the Secretary, in implementing its policies

under proposed new sections 11204 (Student Progress and Promotion Policy) and 11205 (Ensuring Teacher Quality) of the ESEA. (A State would also have to be in compliance with various Title I accountability requirements and waive State statutory and regulatory requirements.) Paragraph (5) of section 1110(a) of the bill would also revise the conditions under which the Secretary may grant an extension of ED-Flex authority, beyond five years, to provide, in part, that the Secretary may grant such an extension only if he or she determines that the State has made significant statewide gains in student achievement and is closing the achievement gap between low- and high-performing students.

In addition, paragraph (5) of section 1110(a) of the bill would revise the list of Federal education programs that are subject to ED-Flex authority to reflect the amendments that would be made to the ESEA by the bill and to include Subtitle B of Title VII of the Stewart B. McKinney Homeless Assistance Act. Paragraph (5) would also clarify that, while States may grant waivers with respect to the minimum percentage of children from low-income families needed to permit a schoolwide program under section 1114 of the ESEA, in doing so they may not go below 40 percent. Finally, paragraph (5) would add a transition provision that makes clear that waivers granted under applicable ED-Flex authority prior to the effective date of proposed new Part G of Title XI of the ESEA would remain in effect in accordance with the terms and conditions that applied when those waivers were granted, and that waivers granted on or after the effective date of Part G would be subject to the provisions of Part G.

Paragraphs (6) and (7) of section 1110(a) of the bill would make editorial revisions and repeal, as no longer needed, certain amendatory provisions to other Acts (but without un-doing the substantive changes to those other Acts made by those amendatory provisions). Finally, section 1110(b) of the bill would make appropriate redesignations and add a part heading.

Section 1111. Accountability. Section 1111 of the bill would amend Title XI of the Act by adding a new Part B, Improving Education Through Accountability.

Proposed new section 11201 ("Short Title") of the ESEA would establish the short title of this part as the "Education Accountability Act of 1999."

Proposed new section 11202 ("Purpose") of the ESEA would set out the statement of purpose for the new part. Under proposed new section 11202, the purpose of the part would be to improve academic achievement for all children, assist in meeting America's Education Goals under section 2 of the ESEA, promote the incorporation of challenging State academic content and student performance standards into classroom practice, enhance accountability of State and local officials for student progress, and improve the effectiveness of programs under the ESEA and the educational opportunities of the students that they serve.

Proposed new section 11203 ("Turning Around Failing Schools") of the ESEA would require a State that receives assistance under the ESEA to develop and implement a statewide system for holding its LEAs and schools accountable for student performance, including a procedure for identifying LEAs and schools in need of improvement; intervening in those agencies and schools to improve teaching and learning; and implementing corrective actions, if those interventions are not effective.

Proposed new section 11204 ("Student Progress and Promotion Policy") of the ESEA would require any State that receives assistance under the ESEA to have in effect, at the time it submits its accountability plan, a State policy that is designed to ensure that students progress through school on a timely basis, having mastered the challenging material needed for them to reach high standards of performance and is designed to end the practices of social promotion and retention. Proposed new subsection (a)(2) would also define the terms "social promotion" and "retention."

Proposed new section 11204(b) would outline specific requirements for the State's policy under subsection (a). Under proposed new section 11204(b), a State policy must: (1) require its LEAs to implement continuing, intensive and comprehensive educational interventions as may be necessary to ensure that all students can meet the challenging academic performance standards required under section 1111(b)(A) of the ESEA, and require all students to meet those challenging standards before being promoted at three

key transition points (one of which must be graduation from secondary school), as determined by the State, consistent with section 1111(b)(2)(D); (2) require the SEA to determine, through the collection of appropriate data, whether LEAs and schools are ending the practices of social promotion and retention; (3) require its LEAs to provide to all students educational opportunities in classrooms with qualified teachers who use proven instructional practices that are aligned to the State's challenging standards and who are supported by high-quality professional development; and (4) require its LEAs to use effective, research-based prevention and early prevention strategies to identify and support students who need additional help to meet those promotion standards.

Proposed new subsection (b) would also require the State policy to provide, with respect to students who have not demonstrated mastery of challenging State academic standards on a timely basis, for continuing, intensive, and age-appropriate interventions, including, but not limited to, extended instruction and learning time, such as after-school and summer programs that are designed to help students master such material; for other specific interventions, with appropriate instructional strategies, to enable students with limited English proficiency and students with disabilities to master such material; for the identification of the knowledge and skills in particular subject areas that students have not mastered, in order to facilitate remediation in those areas; for the development, by schools, of plans to provide individualized attention to students who have not mastered such material; for full communication between the school and parents, including a description and analysis of the students' performance, how it will be improved, and how parents will be involved in the process; and, in cases in which significant numbers of students have failed to master such material, for a State review of whether corrective action with respect to the school or LEA is needed.

Finally, proposed new subsection (b) of section 11204 of the ESEA would require the State policy to require its LEAs to disseminate widely their policies under this subsection in language and in a format that is concise and that parents can understand and ensure that any assessments used by a State, LEA, or school for the purpose of implementing a policy under this subsection are aligned with the State's challenging academic content and student

performance standards and provide coherent information about student progress towards attainment of such standards; include multiple measures, including teacher evaluations, no one of which may be assigned determinative weight in making adverse decisions about individual students; offer multiple opportunities for students to demonstrate that they meet the standards; are valid and reliable for the purposes for which they are used, and fairly and accurately measure what students have been taught; provide reasonable adaptations and accommodations for students with disabilities and students with limited English proficiency; provide that students with limited English proficiency are assessed, to the greatest extent practicable, in the language and form most likely to yield accurate and reliable information about what those students know and can do; and provide that Spanish-speaking students with limited English proficiency are assessed using tests written in Spanish, if Spanish-language assessments are more likely than English-language tests to yield accurate and reliable information on what those students know and can do.

Proposed new section 11204(c) of the ESEA would establish what a State must include in its accountability plan under proposed new section 11208 of the ESEA with respect to its promotion policy. A State would be required to include in its accountability plan a detailed description of its policy under proposed new subsection (b). Additionally, a State would be required to include in its plan the strategies and steps (including timelines and performance indicators) it will take to ensure that its policy is fully implemented no later than four years from the date of the approval of its plan. Finally, a State would also be required to address in its plan the steps that it will take to ensure that the policy will be disseminated to all LEAs and schools in the State and to the general public.

Proposed new section 11205 ("Ensuring Teacher Quality") of the ESEA would establish provisions to ensure teacher quality. Specifically, proposed new section 11205(a) would provide that a State that receives funds under the ESEA must have in effect, at the time it submits its accountability plan, a policy designed to ensure that there are qualified teachers in every classroom in the State, and that meets the requirements of proposed new sections 11205(b) and (c).

Proposed new section 11205(b) of the ESEA would establish requirements for the contents of the State's policy on teacher quality. Under proposed new section 11205(b), a policy to ensure teacher quality must include the strategies that the State will carry out to ensure that, within four years from the date of approval of its accountability plan, certain goals are met. Proposed new section 11205(b)(1) would require that a State include strategies to ensure that not less than 95% of the teachers in public schools in the State are either certified, have a baccalaureate degree and are enrolled in a program, such as an alternative certification program, leading to full certification in their field within three years, or have full certification in another State and are establishing certification where they are teaching. Proposed new section 11205(b)(2) would require the State to include strategies to ensure that not less than 95% of the teachers in public secondary schools in the State have academic training or demonstrated competence in the subject area in which they teach. A State would also have to include strategies to ensure that there is no disproportionate concentration in particular school districts of teachers who are not described in paragraphs (1) and (2) of proposed new section 11205(b). Additionally, a State would be required to include in its teacher quality policy strategies to ensure that its certification process for new teachers includes an assessment of content knowledge and teaching skills aligned with State standards.

Proposed new section 11205(c) of the ESEA would require a State to include in its accountability plan the performance indicators by which it would annually measure progress in two areas. Under proposed new section 11205(c)(1)(A), a State would be required to include the benchmarks by which it will measure its progress in decreasing the percentage of teachers in the State teaching without full licenses or credentials. Proposed new section 11205(c)(1)(B) would require a State to include the benchmarks by which it will measure its progress in increasing the percentage of secondary school classes in core academic subject areas taught by teachers who either have a postsecondary-level academic major or minor in the subject area they teach or a related field, or otherwise demonstrate a high level of competence through rigorous tests in their academic subject.

Finally, proposed new section 11205(c)(2) of the ESEA would require a State to assure in its accountability plan that in carrying out its teacher quality policy, it would not decrease the rigor or quality of its teacher certification standards.

Subsection (a) of proposed new section 11206 ("Sound Discipline Policy") of the ESEA would require a State that receives assistance under the ESEA; to have in effect, at the time it submits its accountability plan, a policy that would require its LEAs and schools to have in place and implement sound and equitable discipline policies, to ensure a safe, and orderly, and drug-free learning environment in every school. A State would also be required under section 11206(c) to include in its accountability plan an assurance that it has in effect a policy that meets the requirements of this section.

Under proposed new section 11206(b) of the ESEA, the required disciplinary policy would require LEAs and schools to implement disciplinary policies that focus on prevention and are coordinated with prevention strategies and programs under Title IV of the ESEA. Additionally, LEA and school policies would have to: apply to all students; be enforced consistently and equitably; be clear and understandable; be developed with the participation of school staff, students, and parents; be broadly disseminated; ensure that due process is provided; be consistent with applicable Federal, State and local laws; ensure that teachers are adequately trained to manage their classrooms effectively; and, in case of students suspended or expelled from school, provide for appropriate supervision, counseling, and educational services that will help those students continue to meet the State's challenging standards.

Subsection (a) of proposed new section 11207 ("Education Report Cards") of the ESEA would require a State that receives assistance under the ESEA, to have in effect, at the time it submits its accountability plan, a policy that requires the development and dissemination of annual report cards regarding the status of education and educational progress in the State and in its LEAs and schools. Under proposed new section 11207(a), report cards would have to be concise and disseminated in a format and manner that parents could understand, and focus on educational results.

Proposed new section 11207(b) of the ESEA would establish the information that, at a minimum, the State must include in its annual State-level report card. Under proposed new section 11207(b)(1), a State would be required to include information regarding student performance on statewide assessments, set forth on an aggregated basis, in both reading (or language arts) and mathematics, as well as any other subject area for which the State requires assessments. A State would also be required under proposed new section 11207(b)(1) to include in its report card information regarding attendance and graduation rates in the State's public schools, as well as the average class size in each of the State's school districts. A State would also be required to include information with respect to school safety, including the incidence of school violence and drug and alcohol abuse and the number of instances in which a student has possessed a firearm at school, subject to the Gun-Free Schools Act. Finally, a State would be required under proposed new section 11207(b)(1) to include in its report card information regarding the professional qualifications of teachers in the State, including the number of teachers teaching with emergency credentials and the number of teachers teaching outside their field of expertise.

Proposed new section 11207(b)(2) of the ESEA would require that student achievement data in the State's report card contain statistically sound, disaggregated results with respect to the following categories: gender; racial and ethnic group; migrant status; students with disabilities, as compared to students who are not disabled; economically disadvantaged students, as compared to students who are not economically disadvantaged; and students with limited English proficiency, as compared to students who are proficient in English. Under proposed new section 11207(b)(2), a State could also include in its report card any other information it determines appropriate to reflect school quality and student achievement. This could include information on: longitudinal achievement scores from the National Assessment of Educational Progress or State assessments; parent involvement, as determined by such measures as the extent of parental participation in school parental involvement activities; participation in extended learning time programs, such as after-school and summer programs; and the performance of students in meeting physical education goals.

Under proposed new section 11207(c) of the ESEA, a State would be required to ensure that each LEA and each school in the State includes in its annual report, at a minimum, the information required by proposed new sections 11207(b)(1) and (2). Additionally, a State would be required under proposed new section 11207(c) to ensure that LEAs include in their annual report cards the number of their low-performing schools, such as schools identified as in need of improvement under section 1116(c)(1) of the ESEA, and information that shows how students in their schools performed on statewide assessments compared to students in the rest of the State (including such comparisons over time, if the information is available), and schools include in their annual report cards whether they have been identified as a low-performing school and information that shows how their students performed on statewide assessments compared to students in the rest of the LEA and the State (including such comparisons over time, if the information is available). LEAs and schools could also include in their annual report cards the information described in proposed new section 11207(b)(3) and other appropriate information.

Proposed new section 11207(d) of the ESEA would establish requirements for the dissemination and accessibility of report cards. Under proposed new section 11207(d), State-level report cards would be required to be posted on the Internet, disseminated to all schools and LEAs in the State, and made broadly available to the public. LEA report cards would have to be disseminated to all their schools and to all parents of students attending these schools, and made broadly available to the public. School report cards would have to be disseminated to all parents of students attending that school and made broadly available to the public.

Under proposed new section 11207(e) of the ESEA, a State would be required to include in its accountability plan an assurance that it has in effect an education report card policy that meets the requirements of proposed new section 11207.

Proposed new section 11208 ("Education Accountability Plans") of the ESEA would establish the requirements for a State's education accountability plan. In general, each State that received assistance under ESEA, on or after July 1, 2000, would be required to have on file with the

Secretary, an approved accountability plan that meets the requirements of this section.

Proposed new section 11208(b) would establish the specific contents of a State accountability plan. A State would be required to include a description of the State's system under proposed new section 11203; a description of the steps the State will take to ensure that all LEAs have the capacity needed to ensure compliance with this part; the assurances required by proposed new sections 11204(c), 11205(c), 11206(6), and 11207(e); information indicating that the Governor and the SEA concur with the plan; and any other information that the Secretary may reasonably require to ensure the proper and effective administration of this part.

Proposed new section 11208(c) of the ESEA would require a State to report annually to the Secretary, in such form and containing such information as the Secretary may require, on its progress in carrying out the requirements of this Part, and would be required to include this report in the consolidated State performance report required under proposed new section 11506 of the ESEA. Additionally, in reporting on its progress in implementing its student progress and social promotion policy under proposed new section 11204 of the ESEA, a State would be required to assess the effect of its policy, and its implementation, on improving academic achievement for all children, and otherwise carrying out the purpose specified in proposed new section 11202 of the ESEA.

Proposed new section 11208(d) of the ESEA would require a State that submits a consolidated State plan under section 11502 to include in that plan its accountability plan under this section. If a State does not submit a consolidated State plan, a State must submit a separate accountability plan.

Under proposed new section 11208(e) of the ESEA, the Secretary would approve an accountability plan under this section if the Secretary determined that it substantially complied with the requirements of this part. Additionally, the Secretary would have the authority to accompany the approval of a plan with conditions consistent with the purpose of this part. In reviewing accountability plans under this part, proposed new section 11208(e) of the ESEA would require that the Secretary use the peer review

procedures under section 11502(e) of the ESEA. Finally, under proposed new section 11208(e) of the ESEA, if a State does not submit a consolidated State plan under section 11502 of the ESEA, the Secretary would, in considering that State's separate accountability plan under this section, use procedures comparable to those in section 11502(e).

Proposed new section 11209 ("Authority of Secretary to Ensure Accountability") of the ESEA would establish the Secretary's authority to ensure accountability. If the Secretary determines that a State has failed substantially to carry out a requirement of this part or its approved accountability plan, or that its performance has failed substantially to meet a performance indicator in its accountability plan, proposed new section 11209(a) of the ESEA would authorize the Secretary to take one or more of the following steps to ensure prompt compliance: (1) providing, or arranging for, technical assistance to the State educational agency; (2) requiring a corrective action plan; (3) suspending or terminating authority to grant waivers under applicable ED-Flex authority; (4) suspending or terminating eligibility to participate in competitive programs under the ESEA; (5) withholding, in whole or in part, State administrative funds under the ESEA; (6) withholding, in whole or in part, program funds under the ESEA; (7) imposing one or more conditions upon the Secretary's approval of a State plan or application under the ESEA; (8) taking other actions under Part D of the General Education Priorities Act; and (9) taking other appropriate steps, including referral to the Department of Justice for enforcement.

Proposed new section 11209(b) of the ESEA would require the Secretary to take one or more additional steps under proposed new section 11209(a) of the ESEA to bring the State into compliance if he determines that previous steps under that provision have failed to correct the State's non-compliance.

Proposed new section 11210 ("Recognition and Rewards") of the ESEA would require the Secretary to recognize and reward States that the Secretary determines have demonstrated significant, statewide achievement gains in core subjects, as measured by the National Assessment of Educational Progress for three consecutive years, are closing the achievement gap between low- and high-performing students, and have in place strategies for

continuous improvement in reducing the practices of social promotion and retention. Such recognition and rewards would take into account all the circumstances, including the size of the State's gains in statewide achievement.

Proposed new section 11210(b) of the ESEA would require the Secretary to establish, through regulation, a system for recognizing and rewarding States described under proposed new section 11210(a) of the ESEA. Rewards could include conferring a priority in competitive programs under the ESEA, increased flexibility in administering programs under the ESEA (consistent with maintaining accountability), and supplementary grants or administrative funds to carry out the purposes of the ESEA. Proposed new section 11210(c) of the ESEA would authorize, for fiscal year 2001 and each of the four succeeding fiscal years, the appropriation of whatever sums are necessary to provide such supplementary funds.

Proposed new section 11211 ("Best Practices Model") of the ESEA would require the Secretary, in implementing this part, to disseminate information regarding best practices, models, and other forms of technical assistance, after consulting with State and LEAs and other agencies, institutions, and organizations with experience or information relevant to the purposes of this part.

Finally, proposed new section 11212 ("Construction") of the ESEA would provide that nothing in this Part may be construed as affecting home schooling, or the application of the civil rights laws or the Individuals with Disabilities

Section 1112. America's Education Goals Panel.

Section 1112 of the bill would move the authority for the National Education Goals Panel from Title II of the Goals 2000: Educate America Act to a new Part C of Title XI of the ESEA, and rename the panel the "America's Education Goals Panel." This conforms to the renaming of the National Education Goals as "America's Education Goals" and their placement in proposed new section 2 of the ESEA, as added by section 2(b) of the bill.

The statutory authority for the Goals Panel would be largely unchanged from current law, apart from some minor stylistic changes, updates, clarifications, and the elimination of current provisions relating to voluntary

National content standards, voluntary National student performance standards and the work of the Panel's Resource and Technical Planning Groups on School Readiness.

The current authority for the National Education Goals Panel, Title II of the Goals 2000 : Educate America Act, would be repealed by section 1201 of the bill.

Section 1113. Repeal. Section 1112 of the bill would repeal Title XII of the ESEA.